

Scenario 3: On a Lump Sum milling & resurfacing construction project Let in January 2012, the Department discovers in August 2013 that an error has been made by the Engineer of Record. The EOR has omitted a turn lane from the construction plans which was identified as required when the project was in the early design stages. The Contractor has completed all paving operations except for the Friction Course. The District decides to proceed with adding that turn lane to the project. A review of the project schedule and circumstances reveals that the department directed extra work impacted the project by 33 days. The Engineer has determined that this issue qualifies as a “significant change” as defined in Standard Specification 4-3.1 due to a change in the character of the work. The Contractor submits a price to the Department for the following:

- mobilizing of grading equipment/crews (\$4,165.00)
- excavation (\$8,500.00)
- stabilization (\$12,256.00)
- base (\$15,285.00)
- additional asphalt costs at \$94.00 / ton which includes a \$12.50 / ton increase above the 2012 pricing on 60 tons (\$5,640.00)
- additional time to perform the work 33 days (23 compensable at \$1,741.18 / day)

The original contract amount is \$15,235,300.00. Original Contract Time is 700 days. The contract included an initial Contingency Item of \$150,000.00 of which \$0 has been used. The contractor submitted a request for payment of extra costs related to extra work, delays, and inefficiencies in the amount of \$85,893.14 and a time extension request to the Department in the amount of 33 days. This is the first time extension to be granted on the project.

Based on the information above, determine the following:

- Contractor Entitlement to cost and/or time (Yes or No). Explain your determination.
- Amount of compensation to be paid to the contractor. Explain your determination.
- Number of days to be granted to the contractor. Explain your determination.
- Type of Contract Modification used to document this change to the contract (i.e. Supplemental Agreement, Work Order, Unilateral Payment, Time Extension Letter). Explain your determination.
- Premium Cost Analysis and determination. Explain your determination.
- Approval Authority of the Contract Modification
- Execution Authority of the Contract Modification
- Coding of the Contract Modification (i.e. Root Cause, Avoidability, Cost Recovery, and Claim/Extend Limits)